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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO
09/965,568	09/27/2001	Armenag Hagop Dekmezian	2000U027CIP.US	4321
B5050	7590 03/04/2004		EXAMINER RABAGO, ROBERTO	
UNIVATIO	N TECHNOLOGIES L	LC		
5555 SAN FELIPE, SUITE 1950 HOUSTON, TX 77056			ART UNIT PAPER NUM	
HOUSTON,	1X //U30		1713	

DATE MAILED: 03/04/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

			1 2 1: 4/	14/			
} →		Application No.	Applicant(s)				
		09/965,568	DEKMEZIAN ET AL				
	Office Action Summary	Examiner	Art Unit				
		Roberto Rábago	1713				
Period fo	The MAILING DATE of this commun	ication appears on the cover sh	eet with the correspondence addres	is			
A SH THE - Exte after - If the - If NO - Failu Any	ORTENED STATUTORY PERIOD F MAILING DATE OF THIS COMMUN nsions of time may be available under the provisions SIX (6) MONTHS from the mailing date of this come period for reply specified above is less than thirty (5) period for reply is specified above, the maximum so are to reply within the set or extended period for reply reply received by the Office later than three months ed patent term adjustment. See 37 CFR 1.704(b).	ICATION. s of 37 CFR 1.136(a). In no event, however, nunication. 30) days, a reply within the statutory minimul fatutory period will apply and will expire SIX or will. by statute. cause the application to bec	may a reply be timely filed n of thirty (30) days will be considered timely. 6) MONTHS from the mailing date of this communione ABANDONED (35 U.S.C. § 133).	nication.			
Status							
1)[Responsive to communication(s) file	ed on 29 December 2003.					
2a)□	-	2b) This action is non-final.					
3)	Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposit	ion of Claims						
5)⊠ 6)⊠ 7)⊠	Claim(s) <u>9-20</u> is/are pending in the 4a) Of the above claim(s) is/a Claim(s) <u>20</u> is/are allowed. Claim(s) <u>9-18</u> is/are rejected. Claim(s) <u>19</u> is/are objected to. Claim(s) are subject to restri	are withdrawn from consideratio		ne de como e			
Applicat	ion Papers						
9) 🗍	The specification is objected to by the	ne Examiner.					
10) ☐ The drawing(s) filed on is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.							
	Applicant may not request that any obje	ection to the drawing(s) be held in a	abeyance. See 37 CFR 1.85(a).				
	Replacement drawing sheet(s) includin	g the correction is required if the d	rawing(s) is objected to. See 37 CFR 1	.121(d).			
11)	The oath or declaration is objected t	o by the Examiner. Note the at	ached Office Action or form PTO-1	52.			
Priority	under 35 U.S.C. § 119						
12)□ a)	Acknowledgment is made of a claim All b) Some * c) None of: 1. Certified copies of the priority 2. Copies of the certified copies	documents have been received documents have been received of the priority documents have been larged by the priority documents have been bureau (PCT Rule 17.2(a))	d. d in Application No been received in this National Sta).	ge			
Attachmer	nt(s)						
2) Notice 3) Infor	ce of References Cited (PTO-892) ce of Draftsperson's Patent Drawing Review (mation Disclosure Statement(s) (PTO-1449 o er No(s)/Mail Date	PTO-948) Pap r PTO/SB/08) 5)	erview Summary (PTO-413) eer No(s)/Mail Date ice of Informal Patent Application (PTO-152) er:	2)			

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DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/29/2003 has been entered.

Claim Rejections - 35 USC § 112

- The following is a quotation of the second paragraph of 35 U.S.C. 112:
 The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 12, it is assumed that the recited limitations are referring to the structure shown in claim 10 (as opposed to that of component "b" of claim 9, which is also included in the composition of claim 12). However, the phrase "the ring" is indefinite.

The structure shown in claim 10 has four rings, and applicants' use of the phrase "the ring" appears to indicate that a specific ring is intended. However, as no guidance is

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provided in determining which ring is the one required to be unsubstituted, the scope of the claim cannot be determined.

Claim Rejections - 35 USC § 102

4. Claims 9-12 and 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Winter et al. (US 5,696,045).

The reference shows in Example 7 (see Table 1) the claimed metallocene mixture in a method of propylene polymerization also comprising methylaluminoxane.

Claim Rejections - 35 USC § 103

5. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Winter et al. (US 5,696,045).

The parent claims are discussed with respect to this reference above. Missing from the cited example is the use of a support. However, patentee suggests using supported versions of the disclosed metallocene compositions at col. 10, lines 1-8. One of ordinary skill in the art would be motivated to use a support with any of the disclosed metallocene combinations, including those shown in the working examples, because the use of supports has been suggested, with reasonable success expected.

Allowable Subject Matter

6. Claim 20 is allowed. Claim 19 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the

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limitations of the base claim and any intervening claims. The prior art currently of record has not disclosed or reasonably suggested the use of two bis-indenyl zirconocenes comprising an unsubstituted tetrahydroindenyl zirconocene as required in these claims.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Roberto Rábago whose telephone number is (571) 272-1109. The examiner can normally be reached on Monday - Friday from 8:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wu can be reached on (571) 272-1114. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ROBERTO RABAGO PATENT EXAMINER

Δrt Unit 1713

RR February 19, 2004